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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

I. INTRODUCTION

1. In pursuance of Security Council resolution 1252 (1999) of 15 July 1999, which extended the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP) until 15 January 2000, I reported on 12 October 1999 (see S/1999/1051) on the operations of UNMOP and progress in the bilateral negotiations between Croatia and the Federal Republic of Yugoslavia to resolve the disputed issue of Prevlaka, as well as on options to develop confidence-building measures between the parties. The present report covers developments since that date.

2. The Mission currently consists of 27 United Nations military observers (see annex) headed by a Chief Military Observer, Colonel Graeme Williams (New Zealand). Developments in the region have not allowed for further reduction of the number of military observers. However, UNMOP's strength is under continuous review.

3. In accordance with its mandate, UNMOP continues to monitor the demilitarization of the Prevlaka peninsula and of the neighbouring areas in Croatia and the Federal Republic of Yugoslavia and holds regular meetings with the local authorities in order to strengthen liaison, reduce tensions, improve safety and security and promote confidence between the parties. The Chief Military Observer also maintains contact with the authorities in Zagreb and Belgrade in order to address issues arising from the implementation of resolution 1252 (1999). Cooperation between UNMOP and the multinational stabilization force (SFOR) is maintained through regular meetings.

II. SITUATION IN THE AREA OF RESPONSIBILITY OF THE MISSION

4. Since the submission of my last report on 12 October (S/1999/1051), the situation in the UNMOP area of responsibility has remained stable and calm. UNMOP continues to maintain a 24-hour presence at its team site on the Ostra peninsula, at Herceg Novi in the Federal Republic of Yugoslavia (Montenegro) and at the headquarters at Cavtat and the team site at Gruda in Croatia.

5. The area of responsibility of UNMOP and the designation of the demilitarized and the United Nations-controlled zones remain as previously reported. UNMOP maintains the interpretation of the limits of the United Nations-designated zones, as defined in reports of the Secretary-General to the Security Council since 1992, regardless of unilateral decisions by one party or the other not to respect the United Nations-mandated security regime. In accordance with established procedure, UNMOP has continued to protest violations of both the demilitarized zone and the United Nations-controlled zone to the authorities in Croatia and the Federal Republic of Yugoslavia, including the Republic of Montenegro, in order to encourage greater respect for the security regime governing the zones and to improve the freedom of movement of the United Nations military observers.

6. During the reporting period, neither Croatia nor the Federal Republic of Yugoslavia put in place a comprehensive demining programme in the UNMOP area of responsibility. As a result, the situation of identified minefields in the area remains unchanged.

Demilitarized zone

7. In November 1999, the Yugoslav authorities informed UNMOP of their intention to withdraw all the formed units of the Yugoslav Army that had been stationed in the demilitarized zone in violation of the United Nations security regime. The withdrawal, which began shortly thereafter, was completed on 11 December 1999 and has since been confirmed by UNMOP. Since Croatia does not have military formations in the demilitarized zone, the whole zone is now free of formed military units and heavy weapons for the first time since the commencement of United Nations monitoring in the Prevlaka region on 20 October 1992.

8. Following the withdrawal, the Yugoslav authorities also removed all the restrictions they had imposed until then on the movement of United Nations military observers. Croatia for its part continues to place restrictions on the movement of UNMOP patrols in the north-western part of the demilitarized zone by requiring UNMOP to provide advance written notice before undertaking foot or vehicle patrols in this area.

9. The crossing point at Debeli Brijeg remains open on a 24-hour basis, allowing the movement of civilians and commercial traffic between Croatia and the Federal Republic of Yugoslavia (Montenegro).

United Nations-controlled zone

10. The long-standing violations of the security regime in the United Nations-controlled zone, as previously reported (see S/1999/1051, para. 10), continue unchanged. Approximately 25 Croatian Special Police are located at four positions and approximately 10 Yugoslav (Montenegrin) Border Police are present at two positions inside that zone. In addition, the presence of manned checkpoints of both Croatia and the Federal Republic of Yugoslavia (Montenegro) for the purpose of operating a local crossing point at Cape Kobila (currently for 4 hours a day), continue to violate the security regime in the United Nations-controlled zone.

11. Both the Croatian and Montenegrin authorities permit local residents to enter the United Nations-controlled zone for the purpose of crossing into the Federal Republic of Yugoslavia (Montenegro) and Croatia, respectively. In addition, the Croatian authorities continue to permit civilians, including local and foreign tourists, to enter the zone for fishing, farming and recreational purposes. Senior Croatian officials entered the United Nations-controlled zone between October and December 1999 without seeking the prior permission of the United Nations. All of these activities, which involve the unauthorized presence of civilians in the United Nations-controlled zone, constitute violations of the agreed security regime.

12. The violations referred to in paragraphs 10 and 11 above do not constitute a serious security threat, but nevertheless demonstrate that the parties do not ensure full respect for some provisions of the security regime freely agreed upon by them.

13. The waters of the United Nations-controlled zone continue to be violated frequently by Croatian and Yugoslav fishing boats.

III. PROGRESS TOWARDS A NEGOTIATED SETTLEMENT

14. Both the Federal Republic of Yugoslavia and Croatia have indicated a willingness to resolve their dispute over Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations signed by them at Belgrade on 23 August 1996 (see S/1996/706, annex). As previously reported, four rounds of talks have been held, the latest of which took place in Belgrade on 9 March 1999. However, no talks have been held since that date, and Croatia has not extended an invitation to the Federal Republic of Yugoslavia to attend a further round. Pursuant to paragraph 5 of resolution 1252 (1999), the Federal Republic of Yugoslavia reported on the state of the negotiations in a letter to the Secretary-General dated 24 December 1999 (S/1999/1278). Croatia last reported to the Secretary-General in a letter dated 12 October 1999 (S/1999/1049).

IV. CONFIDENCE-BUILDING MEASURES

15. As previously reported (S/1999/1051, para. 20), a "package" of recommendations and options for confidence-building was conveyed to the parties by the Secretariat during October 1999. This package covers basic elements of the disputed issue, confidence-building measures and freedom of movement for local civilians. The full demilitarization of the demilitarized zone was one of the measures proposed and the fact that this has now been implemented constitutes an important step forward. Building on this first positive achievement, it is now important to address the remaining permanent violations.

16. In other reactions to the proposals of the Secretariat, the Yugoslav authorities have indicated to the UNMOP Chief Military Observer that they would be willing to take steps to formally demarcate the northern part of the border with Croatia, up to a point to the south of Debeli Brijeg, and to regularize the operation of the Debeli Brijeg crossing point. To further explore these

positive indications, a resumption of the direct talks between the parties seems necessary. Furthermore, the Montenegrin authorities have indicated that they would withdraw their Border Police personnel from the United Nations-controlled zone if Croatia agreed to withdraw its Special Police at the same time. Meanwhile, the Croatian authorities have expressed interest in a controlled access regime for local civilians, that is, landowners and fishermen, who wish to enter the United Nations-controlled zone for legitimate business. In this context, the proposals conveyed to the parties should allow them to find solutions to long-standing difficulties or permanent violations of the security regime. Preliminary discussions on practical implementation have commenced and should be encouraged.

IV. FINANCIAL ASPECTS

17. Although an independent Mission, for administrative and budgetary purposes UNMOP is treated as part of the United Nations Mission in Bosnia and Herzegovina (UNMIBH). By its resolution 53/233 of 8 June 1999, the General Assembly appropriated an amount of $167.6 million gross for the maintenance of UNMIBH for the 12-month period from 1 July 1999 to 30 June 2000.

18. Therefore, should the Security Council decide to extend the mandate of UNMOP beyond 15 January 2000, as recommended in paragraph 24 below, the costs of maintaining the Mission would be met from within the budget of UNMIBH.

V. OBSERVATIONS

19. The confirmed withdrawal of Yugoslav military forces from the United Nations demilitarized zone, seen together with the continuing absence of Croatian troops, is a welcome development. It is hoped that this will facilitate the implementation of further practical steps aimed at strengthening respect for the security regime, including addressing the remaining violations in the United Nations-controlled zone and removing all remaining restrictions on the movement of United Nations military observers. The parties should start discussing and implementing such steps without delay.

20. As observed previously (S/1999/1051, para. 15), the opening and continued operation of a crossing point at Cape Kobila, in the United Nations-controlled zone, as opposed to the opening of the crossing point at Debeli Brijeg in the demilitarized zone, is a violation of the United Nations-mandated security regime. In this regard, it is worth noting that the United Nations military observers continue to report that the level of traffic passing through this crossing point remains negligible in comparison with that through Debeli Brijeg.

21. To avoid the problems caused by the crossing point at Cape Kobila, the Federal Republic of Yugoslavia and Croatia could, at their discretion, redefine the security regime that they previously agreed upon so that civilian traffic might use the road which passes through the United Nations-controlled zone at Cape Kobila without this being regarded as a violation of the security regime. Some suggestions in this regard were put to the parties in the package of options of October 1999. The United Nations stands ready to assist in the

development of arrangements to give effect to any agreement on this issue which the parties might reach. However, until they can agree on a suitable arrangement, UNMOP will continue to record as violations all unauthorized entries into the United Nations-controlled zone, including those relating to the use of the crossing at Cape Kobila.

22. While it is gratifying that troops of the Yugoslav Army have withdrawn from the demilitarized zone, there remain elements of the options package presented to the parties in October which have not been taken up by them and which, if implemented, could create a climate conducive to the peaceful resolution of the disputed issue of Prevlaka. I therefore urge the parties to study the options package further and to devise a means of implementing, as they see fit, a strategy to give effect to these other recommendations. These include, as mentioned above, the regularization of the crossing point at Debeli Brijeg, the introduction of a limited access regime for local civilians with legitimate business in the United Nations-controlled zone and the replacement of the crossing point at Cape Kobila by means of this controlled access regime. Member States may wish to use their influence with the parties to assist them in the formulation of further steps. The UNMOP leadership stands ready to assist in working out and implementing any practical arrangements.

23. Although progress has been made in stabilizing and demilitarizing the territory patrolled by UNMOP, it is disappointing that concurrent progress at the political level has not been made. Confidence-building measures and moves to increase stability on the ground can supplement but not replace substantive negotiations, which alone can lead to a comprehensive settlement of the disputed issue of Prevlaka. Ten months have elapsed since the holding of the last round of bilateral negotiations between the parties in Belgrade. Under the reciprocal arrangements used in the negotiations so far, Zagreb is expected to host the fifth round. In consideration of the recent positive developments on the ground and the fact that the package of options for confidence-building measures was broadly discussed with the parties, the talks should resume as soon as possible, at least at the expert level. As the present pre-election period in Croatia might not be conducive to substantive negotiations, it is hoped that the next round can be held as soon as the elections are over.

24. Given the importance of ensuring that the situation on the ground remains as free of tension as possible, and in order to maintain the conditions of stability that are essential to the success of the political settlement process, I recommend that the UNMOP mandate be extended for a further six months, until 15 July 2000, without change to the current concept of operations. The Security Council may wish to request that the parties continue to report on progress in their talks.

25. In conclusion, the Chief Military Observer and the men and women of UNMOP are to be commended for their continued efforts to maintain peace and security in their area of responsibility.

Annex

Composition and strength of the military elements of the United Nations Mission of Observers in Prevlaka as at 31 December 1999

Nationality	Number of military observers
Argentina	1
Bangladesh	1
Belgium	1
Brazil	1
Canada	1
Czech Republic	1
Denmark	1
Finland	1
Ghana	2
Indonesia	2
Ireland	1
Jordan	1
Kenya	1
Nepal	1
New Zealand	2
Nigeria	1
Norway	1
Pakistan	1
Poland	1
Portugal	1
Russian Federation	1
Sweden	1
Switzerland	1
Ukraine	1
Total	27

Map 4137 United Nations
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